

REMARKS

In the non-final Office Action, the Examiner objects to the drawings; rejects claims 1-30 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite; rejects claims 1, 2, 4-6, 9, 11, and 12 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,740,826 to Vevin et al. (hereinafter "VEVIN"); rejects claims 1, 2, 4, and 9 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,892,742 to Wang (hereinafter "WANG"); rejects claims 1-17, 23-25, 29, and 30 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 4,886,083 to Gamache (hereinafter "GAMACHE") in view of U.S. Patent No. 6,289,839 to Phillips (hereinafter "PHILLIPS"); rejects claims 18-22 under 35 U.S.C. § 103(a) as allegedly unpatentable over GAMACHE in view of PHILLIPS and further in view of U.S. Patent No. 4,585,020 to Masuda et al. (hereinafter "MASUDA"); and indicates that claims 26-28 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include all the features of the base claim and any intervening claims. Applicant respectfully traverses these rejections.

By way of the Amendment, Applicant amends the drawings; amends claim 1 to substantially incorporate the features previously recited in claims 25 and 26; amends claims 1-5, 7-24, and 27-30 to improve form; and cancels claims 6, 25, and 26 without prejudice or disclaimer. No new matter has been added by the present Amendment. Claims 1-5, 7-24, and 27-30 are pending.

Information Disclosure Statements

Applicant submitted an Information Disclosure Statements (IDSs) on July 11, 2006; on January 4, 2007; on April 14, 2008; and on January 9, 2009. The Examiner returned initialed copies indicating that the references were considered for the IDSs submitted on July 11, 2006; on

April 14, 2008; and on January 9, 2009. However, for the IDS submitted on January 9, 2009, the Examiner did not initial or cross out the reference under the Other Documents section of the PTO-1449 form included with the IDS. Furthermore, the Examiner did not return an initialed copy of the IDS submitted on January 4, 2007. Applicant respectfully requests that the Examiner return copies of the IDS submitted on January 4, 2007 and the IDS submitted on January 9, 2009, with all the references initialed, with the next Office Action.

Objection to the drawings

The drawings stand objected under 37 C.F.R. 1.84(h)(1). Specifically, the Examiner alleges that the exploded views fail to show brackets in order to show the relationship or order of assembly of various parts (Office Action, p. 2). Without acquiescing in the Examiner's rejection, Applicant proposes amending original Figs. 5, 7, 8, and 10 as set forth in the attached replacement drawing sheets. Additionally, Applicant proposes removing the reference to the PCT application that was included in the original drawing sheets.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings and acceptance of the drawings are presented in the replacement drawing sheets attached hereto.

Rejection under 35 U.S.C. § 112, 2nd paragraph

Pending claims 1-5, 7-24, and 27-30 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

With respect to claim 1, the Examiner alleges that the phrase "adapted to be releasably connectable" fails to recite a cooperative relationship between the hoop member and the frame

(Office Action, p. 3). Without acquiescing in the Examiner's rejection of claim 1, and merely to expedite prosecution, Applicant has amended claim 1 to address the Examiner's concern.

With respect to claim 5, the Examiner alleges that the phrase "adapted to be hingedly connectable" fails to recite a cooperative relationship between the hoop member and the frame (Office Action, p. 3). Without acquiescing in the Examiner's rejection of claim 5, and merely to expedite prosecution, Applicant has amended claim 5 to address the Examiner's concern.

With respect to claim 1, the Examiner alleges that the phrase "such that" renders the claim indefinite, because it is unclear whether the features following the phrase are part of the claimed invention (Office Action, p. 3). Without acquiescing in the Examiner's rejection of claim 1, and merely to expedite prosecution, Applicant has amended claim 1 to address the Examiner's concern.

With respect to claim 25, the Examiner alleges an inconsistency with the terminology of claim 1 (Office Action, p. 3). Applicant has canceled claim 25, thereby rendering this rejection moot.

With respect to claim 6, the Examiner alleges that the phrase "two diagonally extending hoop members" lacks antecedent basis (Office Action, p. 3). Applicant has canceled claim 6, thereby rendering this rejection moot.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5, 7-24, and 27-30 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 102(b) based on VEVIN

Pending claims 1, 2, 4, 5, 9, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by VEVIN. Applicant respectfully traverses this rejection.

Applicant amended independent claim 1 to substantially incorporate the features

previously recited in claim 25 and claim 26 (now canceled). The Examiner indicated that claim 26 would be allowable if rewritten in independent form including all the features of the base claims and any intervening claims (Office Action, p. 8). Therefore, Applicant believes that amended independent claim 1 should be in condition for immediate allowance. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(b) based on VEVIN be reconsidered and withdrawn.

Pending claims 2, 4, 5, 9, 11, and 12 depend from claim 1. Therefore, Applicant believes these claims should be in condition for immediate allowance for at least the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 4, 5, 9, 11, and 12 under 35 U.S.C. § 102(b) based on VEVIN be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 102(e) based on WANG

Claims 1, 2, 4, and 9 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WANG. Applicant respectfully traverses this rejection.

Applicant amended independent claim 1 to substantially incorporate the features previously recited in claim 25 and claim 26 (now canceled). The Examiner indicated that claim 26 would be allowable if rewritten in independent form including all the features of the base claims and any intervening claims (Office Action, p. 8). Therefore, Applicant believes that amended independent claim 1 should be in condition for immediate allowance. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(e) based on WANG be reconsidered and withdrawn.

Pending claims 2, 4, and 9 depend from claim 1. Therefore, Applicant believes these claims should be in condition for immediate allowance for at least the reasons set forth above

with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2, 4, and 9 under 35 U.S.C. § 102(b) based on WANG be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on GAMACHE and PHILLIPS

Pending claims 1-5, 7-17, 23, 24, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GAMACHE in view of PHILLIPS. Applicant respectfully traverses this rejection.

Applicant amended independent claim 1 to substantially incorporate the features previously recited in claim 25 and claim 26 (now canceled). The Examiner indicated that claim 26 would be allowable if rewritten in independent form including all the features of the base claims and any intervening claims (Office Action, p. 8). Therefore, Applicant believes that amended independent claim 1 should be in condition for immediate allowance. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) based on GAMACHE and PHILLIPS be reconsidered and withdrawn.

Pending claims 2-5, 7-17, 23, 24, 29, and 30 depend from claim 1. Therefore, Applicant believes these claims should be in condition for immediate allowance for at least the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-5, 7-17, 23, 24, 29, and 30 under 35 U.S.C. § 103(a) based on GAMACHE and PHILLIPS be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on GAMACHE, PHILLIPS, and MASUDA

Claim 18-22 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over GAMACHE in view of PHILLIPS and further in view of MASUDA. The rejection is respectfully traversed.

Claims 18-22 depend from claim 1. Therefore, Applicant believes these claims should be

in condition for immediate allowance for at least the reasons set forth above with respect to claim 1 for the rejection under 35 U.S.C. § 103(a) based on GAMACHE and PHILLIPS. Accordingly, Applicant respectfully requests that the rejection of claims 18-22 under 35 U.S.C. § 103(a) based on GAMACHE, PHILLIPS, and MASUDA be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Viktor Simkovic, Reg. No. 56,012/
Viktor Simkovic
Registration No. 56,012

Date: May 19, 2009
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
Main: (571) 432-0800
Direct: (571) 432-0899
Customer Number: 26615

Attachment: Replacement Drawings Sheets (6 sheets)